

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Carnival and Amusement Rides Safety Act is
5 amended by changing Sections 2-2, 2-10, 2-15, 2-16, 2-19, and
6 2-20 and by adding Section 2-21 as follows:

7 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

8 Sec. 2-2. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 1. "Director" means the Director of Labor or his or her
11 designee.

12 2. "Department" means Department of Labor.

13 3. "Amusement Attraction" means an enclosed building or
14 structure, including electrical equipment which is an integral
15 part of the building or structure, through which people walk
16 without the aid of any moving device, that provides amusement,
17 thrills or excitement at a fair or carnival, except any such
18 enclosed building or structure which is subject to the
19 jurisdiction of a local building code.

20 4. "Amusement ride" means:

21 (a) any mechanized device or combination of devices,
22 including electrical equipment which is an integral part of
23 the device or devices, which carries passengers along,

1 around, or over a fixed or restricted course for the
2 primary purpose of giving its passengers amusement,
3 pleasure, thrills, or excitement;

4 (b) any ski lift, rope tow, or other device used to
5 transport snow skiers;

6 (c) (blank);

7 (d) any dry slide over 20 feet in height, alpine slide,
8 or toboggan slide;

9 (e) any tram, open car, or combination of open cars or
10 wagons pulled by a tractor or other motorized device which
11 is not licensed by the Secretary of State, which may, but
12 does not necessarily follow a fixed or restricted course,
13 and is used primarily for the purpose of giving its
14 passengers amusement, pleasure, thrills or excitement, and
15 for which an individual fee is charged or a donation
16 accepted with the exception of hayrack rides; or

17 (f) any bungee cord or similar elastic device.

18 5. "Carnival" means an enterprise which offers amusement or
19 entertainment to the public by means of one or more amusement
20 attractions or amusement rides.

21 6. "Fair" means an enterprise principally devoted to the
22 exhibition of products of agriculture or industry in connection
23 with which amusement rides or amusement attractions are
24 operated.

25 7. "Operator" means a person, or the agent of a person, who
26 owns or controls or has the duty to control the operation of an

1 amusement ride or an amusement attraction at a carnival or
2 fair. "Operator" includes an agency of the State or any of its
3 political subdivisions.

4 8. "Carnival worker" means a person who is employed (and is
5 therefore not a volunteer) by a carnival or fair to manage,
6 physically operate, or assist in the operation of an amusement
7 ride or amusement attraction when it is open to the public.

8 (Source: P.A. 94-801, eff. 5-25-06; 95-397, eff. 8-24-07;
9 95-687, eff. 10-23-07.)

10 (430 ILCS 85/2-10) (from Ch. 111 1/2, par. 4060)

11 Sec. 2-10. No amusement ride or amusement attraction shall
12 be operated at a carnival or fair in this State without a
13 permit having been issued by the Director to an operator of
14 such equipment. At least 30 days prior to the first day of
15 operation or the expiration of the permit, ~~On or before the~~
16 ~~first of May of each year,~~ any person required to obtain a
17 permit by this Act shall apply to the Director for a permit on
18 a form furnished by the Director which form shall contain such
19 information as the Director may require. The Director may waive
20 the requirement that an application for a permit must be filed
21 at least 30 days prior to the first day of operation or the
22 expiration of the permit ~~on or before May 1 of each year~~ if the
23 applicant gives satisfactory proof to the Director that he
24 could not reasonably comply with the date requirement and if
25 the applicant immediately applies for a permit after the need

1 for a permit is first determined. For the purpose of
2 determining if an amusement ride or amusement attraction is in
3 safe operating condition and will provide protection to the
4 public using such amusement ride or amusement attraction, each
5 amusement ride or amusement attraction shall be inspected by
6 the Director before it is initially placed in operation in this
7 State, and shall thereafter be inspected at least once each
8 year.

9 If, after inspection, an amusement ride or amusement
10 attraction is found to comply with the rules adopted under this
11 Act, the Director shall issue a permit for the operation of the
12 amusement ride or amusement attraction. The permit shall be
13 issued conditioned upon the payment of the permit fee and any
14 applicable inspection fee at the time the application for
15 permit to operate is filed with the Department and may be
16 suspended as provided in the Department's rules.

17 If, after inspection, additions or alterations are
18 contemplated which change a structure, mechanism,
19 classification or capacity, the operator shall notify the
20 Director of his intentions in writing and provide any plans or
21 diagrams requested by the Director.

22 (Source: P.A. 92-26, eff. 1-1-02.)

23 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

24 Sec. 2-15. Penalties.

25 (a) Criminal penalties.

1 1. Any person who operates an amusement ride or
2 amusement attraction at a carnival or fair without having
3 obtained a permit from the Director or who violates any
4 order or rule issued by the Director under this Act is
5 guilty of a Class A misdemeanor. Each day shall constitute
6 a separate and distinct offense.

7 2. Any person who interferes with, impedes, or
8 obstructs in any manner the Director or any authorized
9 representative of the Department in the performance of
10 their duties under this Act is guilty of a Class A
11 misdemeanor.

12 (b) Civil penalties. Unless otherwise provided in this Act,
13 any person who operates an amusement ride or amusement
14 attraction without having obtained a permit from the Department
15 in violation of this Act is subject to a civil penalty not to
16 exceed \$2,500 per violation for a first violation and not to
17 exceed \$5,000 for a second or subsequent violation.

18 Prior to any determination, or the imposition of any civil
19 penalty, under this subsection (b), the Department shall notify
20 the operator in writing of the alleged violation. The
21 Department shall afford the operator 15 days from the date of
22 the notice to present any written information that the operator
23 wishes the Department to consider in connection with its
24 determination in the matter. Upon written request of the
25 operator, the Department shall convene an informal
26 fact-finding conference, provided such request is received by

1 the Department within 15 days of the date of the notice of the
2 alleged violation. In determining the amount of a penalty, the
3 Director may consider the appropriateness of the penalty to the
4 person or entity charged, upon determination of the gravity of
5 the violation. Penalties may be recovered in a civil action
6 brought by the Director of Labor in any circuit court. In this
7 litigation, the Director of Labor shall be represented by the
8 Attorney General.

9 (Source: P.A. 94-801, eff. 5-25-06.)

10 (430 ILCS 85/2-16) (from Ch. 111 1/2, par. 4066)

11 Sec. 2-16. Exemptions. The following amusement rides or
12 amusement attractions are exempt from the provisions of this
13 Act:

14 Any amusement ride or amusement attraction which is owned
15 or operated by a non-profit religious, educational or
16 charitable institution or association if such amusement ride or
17 amusement attraction is located within a building subject to
18 inspection by the state fire marshal or by any political
19 subdivisions of the State under its building, fire, electrical,
20 and related public safety ordinances, and the amusement ride or
21 amusement attraction itself is subject to inspection by a
22 political subdivision of the State in accordance with Section
23 2-17.

24 (Source: P.A. 83-1240.)

1 (430 ILCS 85/2-19) (from Ch. 111 1/2, par. 4069)

2 Sec. 2-19. The owner or operator of an amusement ride or
3 amusement attraction may remove from or deny entry to a person
4 to an amusement ride or amusement attraction if, in the owner's
5 or operator's opinion, the entry or conduct may jeopardize the
6 safety of such person or the safety of any other person.
7 Nothing in this Section will permit an owner or operator to
8 deny an inspector access to an amusement ride or amusement
9 attraction when such inspector is acting within the scope of
10 his duties under this Act.

11 (Source: P.A. 83-1240.)

12 (430 ILCS 85/2-20)

13 Sec. 2-20. Employment of carnival workers.

14 (a) Beginning on January 1, 2008, no person, firm,
15 corporation, or other entity that owns or operates a carnival
16 or fair shall employ a carnival worker who (i) has been
17 convicted of any offense set forth in Article 11 of the
18 Criminal Code of 1961, (ii) is a registered sex offender, as
19 defined in the Sex Offender Registration Act, or (iii) has ever
20 been convicted of any offense set forth in Article 9 of the
21 Criminal Code of 1961.

22 (b) A person, firm, corporation, or other entity that owns
23 or operates a carnival or fair must conduct a criminal history
24 records check and perform a check of the National Sex Offender
25 Public Registry for carnival workers at the time they are

1 hired, and annually thereafter except if they are in the
2 continued employ of the entity consistent with the Illinois
3 Uniform Conviction Information Act and perform a check of the
4 Sex Offender Registry.

5 The criminal history records check performed under this
6 subsection (b) shall be performed by the Illinois State Police,
7 another State or federal law enforcement agency, or a business
8 belonging to the National Association of Professional
9 Background Check Screeners. Any criminal history checks
10 performed by the Illinois State Police shall be pursuant to the
11 Illinois Uniform Conviction Information Act.

12 ~~In the case of carnival workers who are hired on a~~
13 ~~temporary basis to work at a specific event, the carnival or~~
14 ~~fair owner may work with local enforcement agencies in order~~
15 ~~expedite the criminal history records check required under this~~
16 ~~subsection (b).~~

17 Individuals who are under the age of 17 are exempt from the
18 criminal history records check requirements set forth in this
19 subsection (b).

20 (c) Any person, firm, corporation, or other entity that
21 owns or operates a carnival or fair must have a substance abuse
22 policy in place for its workers, which shall include random
23 drug testing of carnival workers.

24 (d) Any person, firm, corporation, or other entity that
25 owns or operates a carnival or fair that violates the
26 provisions of subsection (a) of this Section or fails to

1 conduct a criminal history records check or a sex offender
2 registry check for carnival workers in its employ, as required
3 by subsection (b) of this Section, shall be assessed a civil
4 penalty in an amount not to exceed \$1,000 for a first offense,
5 not to exceed \$5,000 for a second offense, and not to exceed
6 \$15,000 for a third or subsequent offense. The collection of
7 these penalties shall be enforced in a civil action brought by
8 the Attorney General on behalf of the Department.

9 (e) A carnival or fair owner is not responsible for:

10 (1) any personal information submitted by a carnival
11 worker for criminal history records check purposes; or

12 (2) any information provided by a third party for a
13 criminal history records check or a sex offender registry
14 check.

15 (f) Recordkeeping requirements. Any person, firm,
16 corporation, or other entity that owns or operates a carnival
17 or fair subject to the provisions of this Act shall make,
18 preserve, and make available to the Department, upon its
19 request, all records that are required by this Act, including
20 but not limited to a written substance abuse policy, evidence
21 of the required criminal history records check and sex offender
22 registry check, and any other information the Director may deem
23 necessary and appropriate for enforcement of this Act.

24 (g) A carnival or fair owner shall not be liable to any
25 employee in carrying out the requirements of this Section.

26 (Source: P.A. 95-397, eff. 8-24-07; 95-687, eff. 10-23-07.)

1 (430 ILCS 85/2-21 new)

2 Sec. 2-21. Volunteers. Criminal background checks of
3 volunteers, who manage, physically operate, or assist in the
4 operation of an amusement ride or amusement attraction when it
5 is open to the public, shall be left to the discretion of local
6 law enforcement which has jurisdictional authority in the
7 community in which the event is being held. Volunteers shall be
8 required to comply with any training and age requirements as
9 prescribed by rule.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.